

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MICHAEL N. LUTMAN,

Plaintiff,

v.

OCWEN LOAN SERVICING, LLC,
et al.,

Defendants.

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1:16-CV-1407-ELR

ORDER

This case is before the Court on Magistrate Judge Linda T. Walker's Report and Recommendation ("R&R"). The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(3). No objections to the Magistrate Judge's R&R have been filed, and therefore, the Court has reviewed the R&R for clear error. See Thomas v. Arn, 474 U.S. 140, 154, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985); Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006); Tauber v. Barnhart, 438 F. Supp. 2d 1366, 1373 (N.D. Ga. 2006). The Court finds no error.

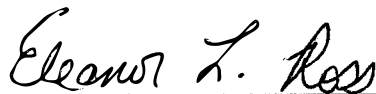
Accordingly, the Court **ADOPTS** the R&R (Doc. No. 14) as the opinion of this Court. For the reasons stated in the R&R, the Court **GRANTS** Defendants'

Motions to Dismiss (Doc. Nos. 3, 7); **DISMISSES WITHOUT PREJUDICE** Plaintiff's claims; and **DENIES** Plaintiff's Motion for Default Judgment (Doc. No. 6). The Court **DIRECTS** that, within fourteen (14) days from the date of entry of this order, Plaintiff may amend his complaint to restate his claims against Defendants Ocwen and Weissman Nowack.

The Amended Complaint must (1) address the shortcomings noted [in the R&R]; (2) comply with the pleading requirements of Rules 8 and 9 of the Federal Rules of Civil Procedure; (3) include a factual background section setting forth specific, nonconclusory factual allegations which directly pertain to Plaintiff's causes of action against the Defendants and suggest support for the required elements of such claims; (4) identify each of his causes of action against the Defendants based on separate transactions or occurrences in separate counts of his Amended Complaint; (5) identify by reference which specific factual allegations and acts by each Defendant support each cause of action against the Defendant within each count of his Amended Complaint; and (6) specifically identify each Defendant against whom a cause of action is brought and the basis for liability against each Defendant within the counts of the Complaint.

R&R at 10-11.

SO ORDERED, this 7th day of February, 2017.



Eleanor L. Ross
United States District Judge
Northern District of Georgia